

NOTICE OF MEETING OF THE
COMMISSIONER'S COURT OF BOWIE COUNTY, TEXAS

Notice is hereby given that a regular meeting of the above named Commissioner's Court will be held on the 10th day of September 2012 at 10:00 A.M in the County Courthouse, New Boston, Texas, at which time the following subjects will be discussed to-wit.

- I. Preliminaries
 - 1. Invocation
 - 2. Pledge of Allegiance
 - 3. Announcements

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Bowie County, Texas
Denise Thornburg
County Clerk
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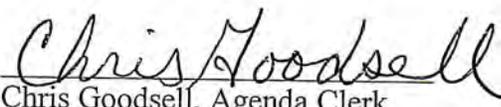
- II. Agenda
 - Call to Order

- 1. Public Comments – public comments shall be limited to 3 minutes per presenter, who submitted a public participation form at least 15 minutes prior to the start of the meeting. Comments must be pertinent to an agenda item or an area for which the Court has jurisdiction. The total amount of time that is allocated is 30 minutes for all comments.
- 2. Commissioners Court response to Public Comments.
- 3. Consider and take action to open bids for Sale of 0.412 acres in Pct. 2.
- 4. Consider and take possible action to approve requested budget amendments for FY2011 – 2012.
- 5. Consider and take action re: payment of accounts payable.
- 6. Consider and take action to approve a Resolution for 2012 – 2013 Disproportionate Minority Contact (DMC) – William Tye
- 7. Receive report from the Open Government Advisory Committee – Carl Teel.
- 8. Consider and take action to bring back to table an action to establish a Financial Reserve Policy (General Fund).
- 9. Consider and take action to establish Financial Reserve Policy (General Fund) – Judge Lacy.
- 10. Consider and take action to bring back to table an action to establish a Debt Management Policy.
- 11. Consider and take action to establish a Debt Management Policy – Judge Lacy.
- 12. Consider and take action to enter into an Interlocal Agreement between Precinct 3 of Bowie County, Texas and the DeKalb Independent School District for the purpose of the school district's use of County asphalt products pursuant to Texas Government Code, Sec. 791 et. seq. – Commissioner Kelly Blackburn, Pct. 3.
- 13. Consider and take action to approve bond for Commissioner Pete Snow.

14. Consider and take action to approve the dates, times and locations for the Public Hearings on the Bowie County Tax Rate - Judge Lacy.
15. Consider and take action to declare surplus and authorize Precinct 4 to sell one Caterpillar 140M Motor Grader with the proceeds used to purchase other needed equipment for Precinct 4 – Commissioner Pat McCoy, Pct. 4.
16. Consider and take action re: 2012 District Clerk’s Technology Fund Plan – Billy Fox.
17. Consider and take action re: possible burn ban.
18. Consider and take action to approve or to amend minutes as an order of the court.

III. Adjournment

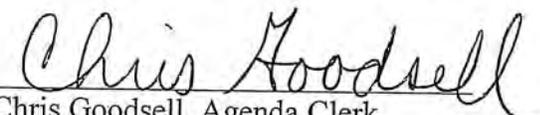
For COMMISSIONER’S COURT


Chris Goodsell, Agenda Clerk

This notice of meeting was posted in the locked bulletin board located on the first floor of the west side of the Bowie County Courthouse and on the inside facing outward of the north window of the Bowie County Courthouse, readily accessible to the general public at all times, on the 7th day of September, 2012 at 10:00 A.M. and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Any invocation that may be offered before the official start of the meeting of the Court shall be the voluntary offering of a private citizen, to and for the benefit of the Court. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Court and do not necessarily represent the religious beliefs or views of the Court in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Court.

Dated the 7th day of September 2012


Chris Goodsell, Agenda Clerk
Bowie County

**COMMISSIONERS COURT MINUTES
SEPTEMBER 10, 2012**

BE IT REMEMBERED, that on this 10th day of September, 2012, the **HONORABLE COMMISSIONERS COURT** of Bowie County, Texas met in **REGULAR SESSION** at the Courthouse of said County in New Boston, Texas after due notice had been posted on the 7th day of September, 2012 with the **HONORABLE JUDGE STERLING LACY** present and presiding with the following Commissioners being present.

Jack Stone	Commissioner Pct. #1
Pete Snow (absent)	Commissioner Pct. #2
Kelly Blackburn	Commissioner Pct. #3
Pat McCoy	Commissioner Pct. #4

Also in attendance were the following County Officials: Auditor William Tye, County Clerk Denise Thornburg, County Legal Advisor Carol Dalby and the following staff members also present on the dais: Purchasing Agent Chris Goodsell and Administrative Assistant Rachael Cherry.

There was a Public Hearing, which started at 10:01 A.M. regarding the plan for the District Clerk's Technology Fund. Everyone in attendance was asked to sign a sign-in sheet and after public comments and questions were heard, the hearing was closed at 10:05 A.M.

PRELIMINARIES

In accordance with the Bowie County official policy on meeting Invocations, County Judge Sterling Lacy read the following statement.

Any Invocation that may be offered before the official start of the meeting of the Court shall be the voluntary offering of a private citizen, to and for the benefit of the Court. The views or beliefs expressed by the In vocation speaker have not been previously reviewed or approved by the Court and do not necessarily represent the religious beliefs or views of the Court in part or as a whole. No member of the community is required to attend or participate in the Invocation and such decision will have no impact on their right to actively participate in the business of the Court.

INVOCATION

Rick Bishop-Simms, Texas

PLEDGE

Pledge of Allegiance to the United States of America

ANNOUNCEMENTS

Judge Lacy indicated that there would be a Budget Advisory Committee Meeting on September 17, 2012 at 6:15 P.M. in the Public Meeting Room at Gander Mountain, which is located at the northwest corner of University Avenue and I-30.

REGULAR AGENDA ITEMS

Court convened at 10:08 a.m. when the following ORDERS, JUDGMENTS AND DECREES were had and ORDERED spread upon the minutes of the court to-wit.

- Item 1: Public Comments were heard from Mr. Chester Pinkham of New Boston regarding the Hwy. 82 Project. He questioned the Court as to what have the citizens of Bowie County got for their money; who authorizes payment; who is looking out for the best interest of the citizens on this project; and how many lanes will the road have?
- Item 2: Judge Lacy responded and indicated that the road will be a three lane road when it is finished. Most of the areas will have a passing lane and in front of the Malta School there will be a dedicated left turn lane. Judge Lacy also indicated why there may be some confusion in the number of lanes. As a part of this project and for future plans, TXDOT has asked that we prep the road and right of way for a future expansion to a four lane highway. Commissioner Pat McCoy asked Mr. John Goodwin (Supervisor and Engineer of Lochner) if he was the person who authorizes payment for this project and Mr. Goodwin stated that he was the person. Mr. Goodwin explained the billing and payment process and also stated that the public could go to the Bowie County website and there was a link to the Hwy 82 Project.
- Item 3: On this 10th day of September, 2012, a motion was made by Commissioner Pat McCoy and duly second by Commissioner Kelly Blackburn to accept the higher bid of \$10,010 from Will Garvin for the sale of 0.412 acres in Pct. 2.
Motion was put to a vote and all voted aye and none opposed.
Motion carried.
- Item 4: There were no budget amendments for FY2011-2012. Mr. Tye stated: "I am not making any budget amendments today. As soon as I close August, which I anticipate doing this week, we'll have eleven months done and we will have probably quite a few budget amendments to do then. I did not want to make any until we actually closed the books on August. We'll have a better picture of where we might end up at the end of the year also."
- Item 5: On this 10th day of September, 2012, a motion was made by Commissioner Kelly Blackburn and duly second by Commissioner Pat McCoy to pay accounts payable. Judge Lacy asked: "Is this one of the lowest amounts we've ever been presented with?" Mr. Tye's response: "It is low." Mr. Tye also stated that he had sent Commissioner Snow's bills to him for review and Commissioner Snow e-mailed him back stating his approval. Judge Lacy asked Auditor William Tye the following questions: "Do any of the items that you are presenting to the Court today for approval cause any department to exceed their budget appropriation for this year?" Mr. Tye's response: "To the best of my knowledge, no." Judge Lacy asked: "Mr. Tye, are each of these requests that you are submitting to the Court today a proper and budgeted item of expenditure for the department to which it is being charged?" Mr. Tye's response: "Yes sir, they are."

**Motion was put to a vote and all voted aye and none opposed.
Motion carried.**

Item 6: On this 10th day of September, 2012, a motion was made by Commissioner Pat McCoy and duly second by Commissioner Jack Stone to approve a Resolution for 2012-2013 Disproportionate Minority Contract (DMC)-William Tye. This is something we have had in the past and is for a Juvenile Grant to help pay for our Juvenile staff's salaries. The payment does come from the State and this year is expected to be about \$70,000. The Resolution also states that the County Judge is the authorized official to apply for, accept, reject alter, or terminate the grant on behalf of the applicant agency.

**Motion was put to a vote and all voted aye and none opposed.
Motion carried.**

Item 7: Mr. Carl Teel, Chairman of the Bowie County Open Government Advisory Committee spoke to the Court and gave the recommendations of the Committee, which was read in open Court. The Committee has traveled to Tyler and met with the Smith County Judge and staff to get an idea of how their Courthouse operates. In their research and findings, they recommend that the Commissioners Court Meetings should be streamed over the internet and that Bowie County should have their own designated IT staff which would manage this and other IT issues for the Courthouse. Commissioner Pat McCoy asked Mr. Teel about the IT person that Smith County has, such as their technical background, pay and what other projects they handle. Mr. Teel indicated that the IT person handled all of the departments. Mr. Teel suggested that if the County could not afford an IT person then maybe it could be contracted out. This Recommendation received today, concludes the Bowie County Open Government Advisory Committee.

Item 17: Judge Lacy asked Commissioners Court that this item be moved up so that Mr. Scottie Taylor could get back to his job duties and all Commissioners agreed.

On this 10th day of September, 2012, a motion was made by Commissioner Pat McCoy and duly second by Commissioner Kelly Blackburn to approve issuing a County wide burn ban for all non-incorporated areas of the County.

**Motion was put to a vote and all voted aye and none opposed.
Motion carried.**

Item 8: On this 10th day of September, 2012, a motion was made by Judge Lacy and duly second by Commissioner Pat McCoy to bring back to table an action to establish a Financial Reserve Policy (General Fund).

**Motion was put to a vote and all voted aye and none opposed.
Motion carried.**

Item 9: On this 10th day of September, 2012, a motion was made by Commissioner Pat McCoy and duly second by Commissioner Kelly Blackburn to establish a Financial Reserve Policy as submitted with the exception of Item 3, changing with the word four to two consecutive months. Commissioner Pat McCoy asked that Judge Lacy explain to the public what this policy will do. Upon the advice of Mr. Boyd London of First Southwest, which is our financial advisor, requested that the County establish this policy (as well as a Debt

Management Policy) so that it would help in getting Moody and a potential investor, confidence in the County for the purpose of issuing the Bonds and getting the highest rating possible, regarding the Hwy 82 Project.

Motion was put to a vote and all voted aye and none opposed.

Motion carried.

Item 10: On this 10th day of September, 2012, a motion was made by Judge Lacy and duly second by Commissioner Kelly Blackburn to bring back to table an action to establish a Debt Management Policy.

Motion was put to a vote and all voted aye and none opposed.

Motion carried.

Item 11: On this 10th day of September, 2012, a motion was made by Commissioner Pat McCoy and duly second by Commissioner Jack Stone to establish a Debt Management Policy as submitted and read in open Court by Judge Lacy. This policy is being developed so that the County's governing body will ensure careful consideration of looking at what debt we already have before incurring new debt.

Motion was put to a vote and all voted aye and none opposed.

Motion carried.

Item 12: On this 10th day of September, 2012, a motion was made by Commissioner Kelly Blackburn and duly second by Commissioner Pat McCoy to approve entering into an Interlocal Agreement between Precinct 3 of Bowie County, Texas and the DeKalb Independent School District for the purpose of the school district's use of Bowie County contract for asphalt products pursuant to Texas Government code, Sec. 791 et. seq.-Kelly Blackburn.

Commissioner Blackburn read in open Court the Agreement, which will allow the school to utilize the Bowie County's Annual Contract for Asphalt road Surfacing Products of July 23, 2012 and Bowie County's Annual Contract for Road Construction Materials of July 23, 2012.

Motion was put to a vote and all voted aye and none opposed.

Motion carried.

Item 13: On this 10th day of September, 2012, a motion was made by Judge Lacy and duly second by Commissioner Pat McCoy to approve a bond for Pct. 2 Commissioner Pete Snow.

Motion was put to a vote and all voted aye and none opposed.

Motion carried.

Item 14: On this 10th day of September, 2012, a motion was made by Judge Lacy and duly second by Commissioner Pat McCoy to approve the dates, times and locations for the Public Hearings on the Bowie County Tax Rate-Judge Lacy.

Motion was put to a vote and all voted aye and none opposed.

Motion carried.

Item 15: On this 10th day of September, 2012, a motion was made by Commissioner Pat McCoy and duly second by Commissioner Kelly Blackburn to declare surplus and authorize Precinct 4 to sell one Caterpillar 140M Motor Grader with the proceeds used to purchase other needed equipment for Precinct 4-Commissioner Pat McCoy, Pct. 4. Commissioner McCoy indicated that he had four Motor Graders and now with the rearrangement of how the roads are maintained and with the need of other equipment, the sale of one Motor Grader would

**allow this and not incur any debt to the County.
Motion was put to a vote and all voted aye and none opposed.
Motion carried.**

**Item 16: On this 10th day of September, 2012, a motion was made by Commissioner Jack Stone and duly second by Commissioner Pat McCoy to approve the 2012 District Clerk's Technology Fund Plan-Billy Fox, District Clerk.
Motion was put to a vote and all voted aye and none opposed.
Motion carried.**

**Item 18: On this 10th day of September, 2012, a motion was made by Commissioner Pat McCoy and duly second by Commissioner Kelly Blackburn to approve the August 27, 2012 and September 4, 2012 minutes as Orders of the Court.
Motion was put to a vote and all voted aye and none opposed.
Motion carried.**

**On this 10th day of September, 2012, a motion was made by Commissioner Jack Stone and duly second by Commissioner Pat McCoy to adjourn (11:38 A.M.).
Motion was put to a vote and all voted aye and none opposed.
Motion carried.**